



3-6-00

PATENT  
102.0010-01000 (8810-D7859)  
Express Mail No.: EL399233491US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: 08/480,461

Filed: June 7, 1995

For: INSTRUMENTATION FOR THE  
SURGICAL CORRECTION OF  
HUMAN THORACIC AND  
LUMBAR SPINAL DISEASE FROM  
THE LATERAL ASPECT OF THE  
SPINE (As Amended)

Art Unit: 3764

Examiner: Brown, M.

#14

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**REPLY TO OFFICE ACTION UNDER 37 C.F.R. § 1.116**

This communication is responsive to the Final Action dated September 2, 1999, Paper No. 11. Together with this reply, Applicant has submitted a request for extension of time up to March 2, 2000 and a Request for Withdrawal of Finality under 37 C.F.R. § 1.129.

**REMARKS**

In the Office Action, the Examiner objected to claims 102-107, 114, 115, 122, 123, 128, 131, and 138 as being dependent upon a rejected base claim, but indicated that these claims are allowable if rewritten in independent form. The Examiner rejected claims 95-101, 108-113, 116-121, 124-127, 129, 130, 132-136, and 139 under 35 U.S.C. § 102(b) as being anticipated by U.S.